

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RUTHIE L. WINDSOR,)	
)	
PLAINTIFF,)	
)	
V.)	CIVIL ACTION NO.:
)	1:05cv1196-MEF-DRB
)	
FRANCIS J. HARVEY,)	
)	
DEFENDANT.)	

MOTION BY PLAINTIFF TO DISMISS

COMES NOW the plaintiff and moves this court for an Order dismissing this action on the following grounds:

1. On October 24, 2006, defendant filed a motion for summary judgment on all of plaintiff's claims.
2. Plaintiff has been unable to discover sufficient facts to successfully controvert the motion for summary judgment.
3. Dismissal of this action would be in the best interest of the parties.

Respectfully submitted,

/s/ Henry L. Penick _____
Henry L. Penick
H. L. Penick & Associates, P.C.
319 17th Street North - Ste. 200
Birmingham, AL 35203
(205) 252-2538

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing with Clerk of the Court using the CMECF system which will send notification of such filing to the following:

R. Randolph Neeley
Assistant United States Attorney
P.O. Box 197
Montgomery, AL 36101-0197

/s/ Henry L. Penick